

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:14 CR 13**

|                                       |   |              |
|---------------------------------------|---|--------------|
| <b>UNITED STATES OF AMERICA,</b>      | ) |              |
|                                       | ) |              |
| <b>Vs.</b>                            | ) | <b>ORDER</b> |
|                                       | ) |              |
| <b>SHANNON ERIC CHRISTIAN MARTIN,</b> | ) |              |
|                                       | ) |              |
| <b>Defendant.</b>                     | ) |              |
|                                       | ) |              |

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THIS CAUSE came on to be heard before the undersigned upon a Violation Report (#19) filed on January 6, 2015 in the above entitled cause by the United States Probation Office. In the Violation Report, the United States Probation Office alleges that Defendant had violated terms and conditions of his presentence release. At the call of this matter on for hearing it appeared Defendant was present with his counsel, Fredilyn Sison, and the Government was present through Assistant United States Attorney, Richard Edwards. From the evidence offered and from the statements of the Assistant United States Attorney and the attorney for Defendant, and the records in this cause, the Court makes the following findings.

**Findings:** At the call of the matter, the Defendant, by and through his attorney, stated that the Defendant did not contest the allegations contained in the Violation Report. The Government introduced without objection the Violation

Report (#19) into evidence.

The Defendant was charged in a bill of indictment filed on October 7, 2014 with stealing the personal property of another while within the special maritime and territorial jurisdiction of the United States in violation of 18 U.S.C. § 661. A hearing was held in regard to the detention of the Defendant on October 20, 2014 and on that date the undersigned entered an Order releasing Defendant on a \$25,000 unsecured bond. The undersigned further set a condition of release which required that Defendant not commit any offense in violation of federal, state or local law while on release.

On December 22, 2014 the undersigned accepted a plea of guilty of the Defendant to the charge contained in count one of the bill of indictment and based upon the recommendation of the Government, continued the Defendant on terms and conditions of presentence release.

On December 28, 2014, in Floyd County, Indiana, Defendant was charged with attempted burglary while armed with a deadly weapon in violation of Indiana Code 35-43-2-1(3)(A), and fleeing from a law enforcement officer in violation of Indiana Code 35-44.1-3-1(b)(1)(A). Those offenses are felonies in the state of Indiana. Defendant was also charged on December 28, 2014 with possession of drug paraphernalia, a misdemeanor, and driving while license revoked, a misdemeanor.

**Discussion.** 18 U.S.C. § 3148(b)(1) provides as follows: The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer

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(1) finds that there is----

(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

(B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that ---

(A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community.

Based upon the evidence, the undersigned finds there is probable cause to believe that Defendant committed state felonies while on release, that being the offenses of breaking and entering while armed with a deadly weapon and fleeing from a law enforcement officer which are both felonies in the State of Indiana. There is also probable cause to believe the Defendant committed the misdemeanor offenses of possession of drug paraphernalia and driving while license revoked. These crimes are misdemeanors in the state of Indiana. Due to the fact there is probable cause to

believe that Defendant committed state felonies, a rebuttable presumption arises pursuant to 18 U.S.C. § 3148, that no condition or combination of conditions will assure that Defendant will not pose a danger to the safety of any other person or the community.

Due to the findings made above and considering the presumption that has been created, and also considering the factors as set forth under 18 U.S.C. § 3142(g) and the criminal record of the Defendant, it appears there is no condition or combination of conditions of release that will assure that Defendant will not pose a danger to the safety of any other person or the community. It is the opinion of the undersigned, that based upon Defendant's actions, it is unlikely Defendant will abide by any condition or combination of conditions of release.

As a result of the above referenced findings, the undersigned has determined to enter an order of revocation revoking the unsecured bond and the terms of presentence release previously issued in this matter and entering an order detaining Defendant.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the unsecured bond and terms and conditions of presentence release entered in this matter are hereby **REVOKED** and it is **ORDERED** that Defendant be detained pending sentencing and further

proceedings in this matter.

Signed: May 15, 2015

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

